

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31
Sacramento, CA 95814



April 29, 1986

• ALL COUNTY LETTER NO. 86-33

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL SDSS ADOPTION DISTRICT OFFICES

SUBJECT: COURT ORDERS FOR RELEASE OF INFORMATION FROM AGENCY
ADOPTION CASE RECORDS

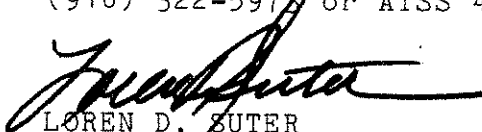
The Department has received several inquiries from adoption agencies regarding court orders they have received which direct them to release adoption case records, or identifying information from adoption case records, to specified individuals (usually the adoptee or another member of the adoption triad).

Because adoption records maintained by licensed adoption agencies are confidential, these records, or identifying information from them, cannot be released except as specifically authorized by statutes. Title 22, California Administrative Code, Section 89131(b) states: "All adoption case records shall be confidential and maintained in the agency's locked files." Current statutes, found at Civil Code Sections 230.6, 230.8, and 227(b), limit release of identifying information to situations in which confidentiality has been waived. (Civil Code Section 227aaa permits, but does not require, the agency to furnish information about an adoption petition to a juvenile court or welfare agency whenever it is believed the welfare of the child would be promoted by such disclosure.)

There is no statutory authority upon which a court may order the release of an agency's adoption case record or identifying information from the agency's adoption records. However, the court can order the release of identifying information from the court file in accordance with Civil Code Section 227(a) or order the original birth certificate unsealed in accordance with Health and Safety Code Section 10439. If an adoption agency receives an order from the court for the release of an adoption case record or identifying information from adoption records, the agency should contact legal counsel to present their position to the court.

If an individual brings or sends to the agency a court order for release of the adoption case record or identifying information from adoption records, the individual should be informed by the agency that it is unable to comply with the order. The agency's legal counsel should be alerted to the agency's action and asked that the agency's position be represented by counsel should the matter be pursued further in court.

If there are any questions regarding this letter, please contact the Adoptions Public Information and Operations Unit at (916) 322-5972 or ATSS 492-5973.



LOREN D. ZUTER
Deputy Director
Adult and Family Services Division

cc: CWDA